



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/660,585	09/12/2003	Takashi Aizawa	03500.017570	7898
5514	7590	12/15/2006	EXAMINER	
FITZPATRICK CELLA HARPER & SCINTO 30 ROCKEFELLER PLAZA NEW YORK, NY 10112			LE, TUAN H	
			ART UNIT	PAPER NUMBER
			2622	

DATE MAILED: 12/15/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/660,585	Applicant(s) AIZAWA, TAKASHI	
	Examiner Tuan H. Le	Art Unit 2622	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-9 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-9 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 September 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☒ All b) ☐ Some * c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Claim Rejections - 35 USC § 101

35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

2. **Claim 8 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter as followed**

3. **Claim 8** claims a (computer) program to perform processes as claimed. However, the (computer) program is not a physical "thing". It is neither a computer component nor statutory process, as there is no "act" being performed. Since the computer program itself is not a process, without the computer-readable-medium needed to realize the computer program's functionality, it is non-statutory descriptive material.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this

Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an

Art Unit: 2622

application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. **Claims 1, 7, 8, and 9 are rejected under 35 U.S.C. 102(e) as being anticipated by Anderson et al (U.S. Pat. 6,567,122 B1).**

6. Regarding **claim 1**, Anderson et al discloses a digital information input system, (see Anderson et al, Fig. 7, column 9 lines 18-67, and column 10 lines 1-4) including an information generating apparatus (100) for digitizing information and an information processing apparatus (760) for collecting information and processing, storing, or managing the information, comprising: identification information generating means (710) for generating second data identification information (current internet address of camera 100) which is independent of a logical data management system (image file system) existing in said information generating apparatus, in accordance with a predetermined rule (Hyper Text Transfer Protocol) on the basis of first data identification information (memory location of a taken image in a camera) which depends on the logical data management system existing in said information generating apparatus; and identification information restoring means (web browser and 715) for restoring the first data identification information (memory location of a taken image in a camera) in accordance with a predetermined rule (Hyper Text Transfer Protocol) on the basis of the second data identification information (current internet address of camera 100).

7. As for **claim 7**, it is drawn to a method that is used in the system as in claim 1. Therefore, the same ground of rejection of claim 1 is applied to claim 7.

Art Unit: 2622

8. As for **claim 8**, Anderson et al discloses a digital information input system, (see Anderson et al, Fig. 7, column 9 lines 18-67, and column 10 lines 1-4) having an information generating apparatus (100) for digitizing information and an information processing apparatus (760) for collecting information and processing, storing, or managing the information, comprising: a process for generating second data identification information (current internet address of camera 100) which is independent of a logical data management system (image file system) existing in said information generating apparatus, in accordance with a predetermined rule (Hyper Text Transfer Protocol) on the basis of first data identification information (memory location of a taken image in a camera) which depends on the logical data management system existing in said information generating apparatus; and a process for restoring the first data identification information (memory location of a taken image in a camera) in accordance with a predetermined rule (Hyper Text Transfer Protocol) on the basis of the second data identification information (current internet address of camera 100). Anderson et al does not explicitly disclose a program used in the digital information input system for executing processes of generating second data identification and restoring first data information.

However, Anderson discloses that the processes of generating second data identification and restoring first data identification information are performed ISP 710 and both web browser and ISP 715, respectively, (see Anderson et al, Fig. 7).

Art Unit: 2622

Therefore, it is inherent to one of ordinary skill in the art at the time the invention was made to acknowledge that ISP 710 and 715 comprises a plurality of computer servers running on operating systems, such as Windows NT Server. Thus programs are needed for the ISP 710 and 715 to perform the correspond processes.

9. As for **claim 9**, as previously mentioned in the discussion of claim 8, Anderson et al discloses all of the limitations of the parent claim. In addition, it is ~~inherent~~ ^{inherent} to one of ordinary skill in the art to acknowledge that a computer-readable storage medium is used to store the program as in claim 8.

10. **Claims 2 is rejected under 35 U.S.C. 102(e) as being anticipated by Takemoto (U.S. Pat. 6,335,742 B1).**

11. Regarding **claim 2**, Takemoto discloses an information generating apparatus (1 and 20) for digitizing information and enabling the information to be transferred to an outside, (see Takemoto, Fig. 1, wherein a digital camera is connected with an apparatus for file management and manipulation), comprising: identification information generating means (see Takemoto, Fig. 9, wherein DIGICLIP window is shown) for generating second data identification information (see Takemoto, Fig.2, Fig. 9, and column 9 lines 1-30, wherein files are associated with representative letter on key word bar 600, for example, "X" represents date that the image was taken) which is independent of a logical data management system, in accordance with a predetermined rule (date image taken) on the basis of first data identification information (internal file management) which depends on said logical data management system existing

12/1/06

Art Unit: 2622

in said information generating apparatus; and identification information restoring means (see Takemoto, Fig. 9, wherein DIGICLIP window is shown) for restoring the first data identification information (see Takemoto, Fig. 2, Fig. 9, and column 9 lines 1-30, wherein a representative letter on key word bar 600 is clicked, for example, "X" is clicked) in accordance with a predetermined rule (date image taken) on the basis of the second data identification information, (see Takemoto, Fig. 2, Fig. 9, and column 9 lines 1-30, wherein files are associated with representative letter).

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. **Claims 3-6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Takemoto (U.S. Pat. 6,335,742 B1) and further in view of Aizawa et al (U.S. Pat. 6,452,629 B1).**

14. As for **claims 3 and 4**, as previously mentioned in the discussion of claim 2, Takemoto discloses all of the limitations of the parent claim. Takemoto does not explicitly disclose a transmitting/receiving means for transmitting/receiving the second data identification information to/from the outside.

However, Aizawa et al discloses a camera (100) is connected to a personal computer via an external connector (116) and a communication cable

(115) so that information is transmitted/received to/from outside, (see Aizawa et al, Fig. 1).

Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to implement the external connector and the communication cable as described by Aizawa et al into the information generating apparatus as described by Takemoto because such implementation increases the versatility for the information generation apparatus.

15. As for **claim 5**, as previously mentioned in the discussion of claim 4, Takemoto and Aizawa et al disclose all of the limitations of the parent claim. Furthermore, Takemoto et al discloses that the second data identification information is generated so as to include contents for specifying the information and specifying a storing location in said logical data management system, (see Takemoto, Fig. 2, wherein a representative letter "X" represents date that the image is taken).

16. As for **claim 6**, as previously mentioned in the discussion of claim 5, Takemoto and Aizawa et al disclose all of the limitations of the parent claim. In addition Takemoto discloses that the information generating apparatus (1 and 20) is a digital camera or a digital video camera, (see Takemoto, Fig. 1).

Conclusion

17. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure:

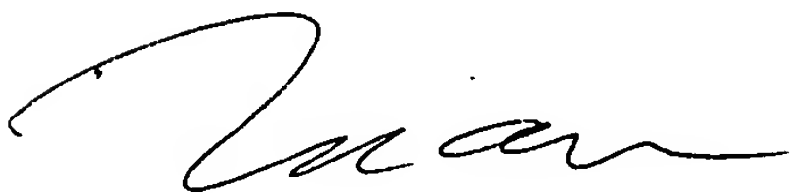
- Oie et al (U.S. Pat. 6,330,028 B1) discloses that an image is stored in association with header information and image data block that are considered relevant to logical file management for an image.

Art Unit: 2622

18. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tuan H. Le whose telephone number is (571) 270-1130. The examiner can normally be reached on M-Th 7:30-5:00 F 7:30-4:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, David L. Ometz can be reached on (571) 272-7593. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.



Tuan Le
Patent Examiner



DAVID OMETZ
SUPERVISORY PATENT EXAMINER